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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,511	10/22/2001	Shannon Morris	SSV-83441	6509

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SEP 05 2003

SHEPPARD, MULLIN, RICHTER  
& HAMPTON LLP

EXAMINER

BUI, LUAN KIM

ART UNIT PAPER NUMBER

3728

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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TECHNOLOGY CENTER R3700

# Office Action Summary

Application No.

10/004,511

Applicant(s)

MORRIS, SHANNON

Examiner

Luan K Bui

Art Unit

3728

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 12-15 is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected:
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. Applicant's election without traverse of the species of Group I (claims 1-15) in Paper No. 16 is acknowledged. Applicant's indication that claims 1-20 read on the elected species. However, since claim 16 recites "the compartment is defined as an elongated, spiral channel" which is different from the species of Group I and since the elected species clearly has no such section, claims 16-20 are deemed not to read on the elected embodiment.

Claims 16-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

The preamble in claim 8 has been accorded no weight in accordance with the court's instruction in *Kropa v. Robie*, 187F.2d 150, 152, 88 USPQ 478 (CCPA 1951).

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-11 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Grusin (5,040,681). Grusin discloses a cover/organizer (18) comprising a body (32) having an upper surface and a lower surface, a knob (50) protruding upwardly from the body and extending above the upper surface, at least one compartment (34) formed in the upper surface of the body and a recess in the lower surface of the body. The knob of Grusin is inherently capable of receiving at least one finger ring over the knob (Figures 1-5). As to claims 9 and 10, Grusin discloses an outer rim (extending downwardly in Figure 4) includes a lip around the periphery of the body.

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***Claim Rejections - 35 USC § 103***

3. Claims 8-11 are finally rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Frost (2,036,572). Frost discloses an organizer (16) comprising a body (1) having an upper surface and a lower surface, a knob (4) protruding upwardly from the body and extending above the upper surface, at least one compartment (10, 11, 14, 15) formed in the upper surface of the body and a recess in the lower surface of the body. The knob of Frost is inherently capable of receiving at least one finger ring over the knob and the recess and the knob of Frost are capable of providing a means for a stackable configuration (Figures 1-2). To the extent that Frost fails to disclose a stackable configuration, it would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Frost to stack a plurality of organizer together in a package for selling purposes since Frost is clearly discloses a means such as the knob (4) with the recess of stackable configuration. As to claims 9-10, Frost discloses the organizer comprises an outer rim with a lip (3).

***Allowable Subject Matter***

4. Claims 1-7 and 12-15 are allowed.

***Response to Arguments***

Applicant's arguments filed on 5/5/2003 and 7/31/2003 have been fully considered but they are not deemed to be persuasive.

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Applicant's arguments with respect to the rejected claims are noted. They are not persuasive because the ring is not positively claim with the organizer.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

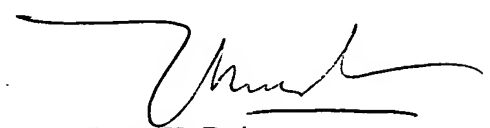
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 872-9301. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb  
August 29, 2003

  
Luan K. Bui  
Primary Examiner